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09/493,652	01/28/2000	Thomas David Reid Ford	4742	2505

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EXAMINER

MACKEY, PATRICK HEWEY

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GROUP 3600

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 22

Application Number: 09/493,652

Filing Date: January 28, 2000

Appellant(s): FORD ET AL.

Charles Fallow
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 4, 2003.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

The amendment after final rejection filed on November 3, 2003 has not been entered.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 12-23 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8). However, the appellant does not use language customarily used in the U.S.P.T.O. For the purpose of clarification, the examiner has restated the appellant's Grouping of Claims:

Group I: Claims 12, 13, 14, and 15 stand or fall together;

Group II: Claims 16, 17, 18, and 19 stand or fall together;

Group III: Claims 20, 21, and 22 stand or fall together;

Group IV: Claim 23 stands or falls alone;

Group V: Claim 24 stands or falls alone;

Group VI: Claim 25 stands or falls alone.

(8) *ClaimsAppealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

5,640,903 SALOMON 6-1997

4,516,494 BECK ET AL. 5-1985

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 12-20 and 24-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Salomon. Salomon discloses a Mail location apparatus to locate a mail item (M) inserted thereinto at a predetermined location in a first (A) and second (B) mutually perpendicular direction that includes a reference wall (7) (see Fig. 1), with an aperture for a print mechanism (see col. 2, line 57 and Figure 1), a support platform (9), a first guide (11) for engagement by a first edge (15) of the mail item (M), a second guide (13) for engagement by a second edge (18) of the mail item (M), and a sensor unit (27) including a face (see Figure 5) engageable by the mail item (M), a pivot (21), a resilient member (23), and a detector (27a, 27b). Salomon discloses that the face of the sensor unit (27) extends between the adjacent ends of the first and

second guide walls across a corner of the predetermined location at an angle that is approximately 45 degrees (see Figure 5).

Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salomon in view of Beck et al. Salomon discloses all the limitations of the claims (see above), but it does not disclose that the support platform is displaceable between an open position and a closed position. However, Beck discloses similar device that includes a support platform (22) that is displaceable between an open position and a closed position for the purpose of holding the mail item in place during printing. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to utilize a support platform is displaceable between an open position and a closed position for the purpose of holding the mail item in place during printing.

Claim Charts

Claim Limitation

Corresponding Structure
in Salomon

Claim 12	
Mail location apparatus	See Title
operative to locate a mail item inserted thereinto	item M
at a predetermined location in first and	item A
second mutually perpendicular directions including:	item B
a first guide for engagement by a first edge of the mail item;	item 11
a second guide for engagement by a second edge of the mail item, the second edge being adjacent to and adjoining the first edge at a corner of the mail item and	item 13
a sensor unit operative in response to the mail item being located in the predetermined location with the first edge engaging the first guide and the second edge engaging the second guide,	item 27
the sensor unit including an elongate face engageable by the mail item	item 19b
which face is inclined to both the first and second directions such as to be engaged by the corner of the mail item whether the mail item is inserted in the first direction, the second direction and any direction intermediate thereto.	See Figure 5

Claim 24	
Mail location apparatus	See Title
operative to locate a mail item	item M
at a predetermined location in first and	item A
second mutually perpendicular directions including:	item B
a first guide for engagement by a first edge of the mail item;	item 11
a second guide for engagement by a second edge of the mail item, the second edge being adjacent to and adjoining the first edge at a corner of the mail item; and	item 13
a sensor unit operative in response to the mail item being located in the predetermined location with the first edge engaging the first guide and the second edge engaging the second guide	item 27
the sensor unit including a face inclined to both the first and second directions and engageable by the corner of the mail item,	item 19b
the face normally located to extend from adjacent ends of the first and second guides across a corner of the predetermined location.	See Figure 5

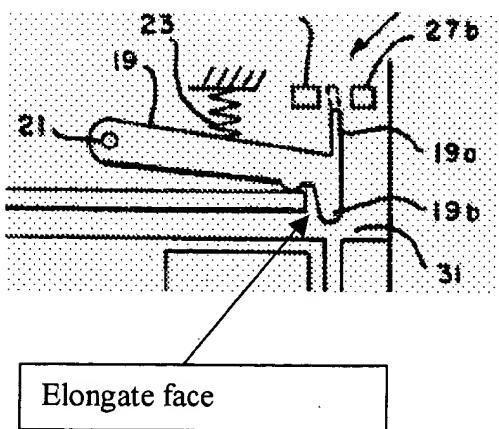
Claim 25	
Mail location apparatus	See Title
operative to locate a mail item	item M
at a predetermined location in first and	item A
second mutually perpendicular directions including:	item B
a support platform for supporting the mail item located in the predetermined location; and	item 9
a reference wall for referencing the mail item located in the predetermined location ,	item 7
a first guide for engagement by a first edge of the mail item;	item 11
a second guide for engagement by a second edge of the mail item, the second edge being adjacent to and adjoining the first edge at a corner of the mail item; and	item 13
a sensor unit including a face engageable by the corner of the mail item	item 19b
a sensor unit operative in response to the mail item being located in the predetermined location with the first edge engaging the first guide and the second edge engaging the second guide,	item 27
the face inclined to both the first and second directions such as to be engaged by the corner of the mail item,	See Figure 5
and extending at least beyond the support platform and the reference wall.	See Figure 5

(11) Response to Argument

GROUP I

The appellant states that claim 12 is novel over Salomon because Salomon does not disclose an elongate face for engagement by the corner of a mail item whether the mail item is inserted in a first direction, a second direction, and any direction intermediate thereto.

In response to the appellant's statements, the examiner notes that Salomon discloses an elongate face for engagement by the corner of a mail item whether the mail item is inserted in a first direction, a second direction, and any direction intermediate thereto. In Figure 5, Salomon discloses "a second projection" identified as 19b. The appellant's disclosure does not limit the term "elongate face" in any manner such that the "second projection" cannot be considered an "elongate face". However, if one were to limit the term "elongate face" to only straight structures, the term would still read on structure disclosed by Salomon. The "second projection" has a straight portion reproduced below:



Salomon's "arm" 19, pivots at "pivot" 21 in a manner such that, if it does not contact the corner of the mail item in the non pivoted position, the straight portion would engage the corner of the mail item in the pivoted position.

GROUP II

The appellant states that claim 16 is patentable over Salomon because it recites "an element defining the face engageable by the corner of the mail item, the element being displaceable in a direction inclined to both the first guide wall and the second guide wall". The appellant argues that since the direction of movement of Salomon's element 19b is along a short arc segment, substantially parallel to wall 11 and substantially perpendicular to wall 13, the direction of movement is not in a direction inclined with respect to either wall.

In response to the appellant's statements, the examiner notes that Salomon's element 19b moves exactly the same way and in the same manner as the face 24 disclosed by the appellant. The appellant discloses that a face 23 is connected to an arm 25 that pivots around a pivot point 26. Salomon discloses a face 19b connected to an arm 19 that pivots around a pivot point 21. Thus, if the appellant's face 24 reads on the claim language, Saloman's face 19b also reads on the claim language. Additionally, the examiner notes that the appellant does not argue that Salomon's element 19b moves parallel to wall 11 or perpendicular to wall 13. Rather, the appellant states that element 19b moves *substantially* parallel to wall 11 and *substantially* perpendicular to wall 13. Since element 19b does not move parallel to wall 11 or perpendicular to wall 13, it must move in a direction inclined to wall 11 and inclined to wall 13.

GROUP III

The appellant states that claim 20 is patentable over Salomon because it recites "a support platform for supporting the mail item located in the predetermined location; and a reference wall for referencing the mail item located in the predetermined location; wherein the face of the sensor unit extends at least beyond the support platform and the reference wall." The appellant argues that Salomon does not disclose the vertical extent of the sensors and there is no reason to suppose they extend beyond the support platform and the reference wall.

In response to the appellant's remarks, the examiner notes that the claim does not require the face of the sensor to extend beyond the vertical extent of the support platform and the reference wall. In Figure 5, Salomon discloses a "support platform" 9 that ends at a "rear registration wall" 13. Since the face of the sensor 19b, or "projection part" extends beyond "rear registration wall" 13, it extends beyond the support platform. Additionally, Salomon discloses a reference wall 7 described as a "top cover". In Figure 5, Salomon discloses that the face of sensor 19b extends inside the device. Therefore, it extends beyond the reference wall or "top cover".

GROUP IV

The appellant states that claim 23 is patentable because it recites that the sensor has a 45 degree face angle. The appellant argues that neither Salomon nor Beck disclose such a structure.

In response to the appellant's argument, the examiner notes that claim 23 does not require that the sensor have a 45 degree face angle. Claim 23 recites "the face of the sensor unit is inclined at *approximately* 45 degrees to the first and second directions." (emphasis added) In Figure 5, Salomon discloses a face of a sensor unit or "projection part" 19b that includes a portion that is inclined at approximately 45 degrees.

GROUP V

The appellant states that claim 24 is patentable over Salomon because it requires that the face of the sensor unit is normally located to extend from adjacent ends of first and second guides across a corner of a predetermined location at which a mail item is to be located.

In response to the appellant's statement, the examiner notes, in Figure 5, Salomon discloses a face of a sensor unit or "projection part" 19b that, with respect to guides or "registration walls" 11 and 13, is configured in the same manner as the appellant's face 24 with respect to appellant's guides 11, 12. Therefore, if claim 24 reads on the appellants disclosed structure, claim 24 also reads on Salomon. Additionally, the examiner notes that claim 24 recites, "the face being normally located to extend from adjacent ends of the first and second guides across a corner of the predetermined location." The claim is not limited to structures in which the face extends from adjacent ends of the first and second guides across a corner of the predetermined location. It includes abnormal or unusual locations of the face as well. These locations are not limited by the claim in any way. Therefore, claim 24 includes the position of the face as disclosed by Salomon.

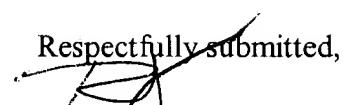
GROUP VI

The appellant states that claim 25 is patentable over Salomon because the claim requires that the face of the sensor unit extend at least beyond a support platform and a reference wall. The appellant argues that Salomon does not disclose that the sensor or “arm” 19 does not extend beyond the support platform or “deck portion” 9.

In response to the appellant’s remarks, the examiner notes that the claim does not require the face of the sensor to extend beyond the vertical extent of the support platform and the reference wall. In Figure 5, Salomon discloses a “support platform” 9 that ends at a “rear registration wall” 13. Since the face of the sensor 19b, or “projection part” extends beyond “rear registration wall” 13, it extends beyond the support platform. Additionally, Salomon discloses a reference wall 7 described as a “top cover”. In Figure 5, Salomon discloses that the face of sensor 19b extends inside the device. Therefore, it extends beyond the reference wall or “top cover”.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


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January 23, 2004

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